IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO.3088 OF 2007

Shaukat Mohammed Kalekar .. Petitioner
v/s.
The Caste Scrutiny Committee,
Pune Division, Pune and others .. Respondents

Mr. Harshad Bhadbhade for Mr. Sachindra B. Shetye for the petitioner.
Mr. Ashok J. Chougule for the respondent No.1.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.
DATED : 24TH APRIL, 2007

P.C.

Rule. Heard forthwith.

2. The matter was before the Committee on 15.2.2007 and the matter was adjourned on 3.3.2007. It appears that the Committee has disposed of the matter on 15.2.2007. This clearly shows non-application of mind on the part of the Committee.

3. Considering that, in our opinion, the Committee before disposing of the claim of the petitioner, to take into consideration the Government G.R. dated 22.7.1996 and also give an opportunity to the petitioner, if he desires, to lead evidence.

4. With the above observation, impugned order dated 15th February, 2007 is set aside. The matter is remanded back to the Committee for reconsideration. In the meantime, the Election

Commission not to fill up the vacancy caused due to disqualification of the petitioner. Committee to complete the exercise within four weeks from today. Rule made absolute. No order as to costs.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)